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1631/8

PTO/SB/21 (05-03)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/007,262	
	Filing Date	November 8, 2001	
	First Named Inventor	BISTRUP, ANNETTE	
	Group Art Unit	1631	
	Examiner Name	MORAN, MARJORIE A.	
Total Number of Pages in This Submission		Attorney Docket Number	UCAL-107DIV
<b>ENCLOSURES (check all that apply)</b>			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Petition to Expunge Information in the Application File (1 pg.) 2) PTO/SB/08A (1 pg.) 3) Figure 1 (1 sheet) 4) Return Postcard	Remarks
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Signing Attorney/Agent (Reg. No.)	PAULA A. BORDEN, 42,344 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	Apr. 26, 2004		

<b>CERTIFICATE OF HAND DELIVERY</b>			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE  
STATEMENT**



Address to:  
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Attorney Docket  
Confirmation No.

UCAL-107DIV  
4699

First Named Inventor

BISTRUP, ANNETTE

Application Number

10/007,262

Filing Date

November 8, 2001

Group Art Unit

1631

Examiner Name

Moran, Marjorie A.

Title: "GLYCOSYL SULFOTRANSFERASE-3"

Sir:

This is an Information Disclosure Statement submitted for the Examiner's consideration. This is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or *after* the mailing date of the first Office Action on the merits, whichever event occurred last, but *before* the mailing date of either a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first.

A Form PTO-SB/08A listing the references accompanies this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record.

Applicants wish to bring to the Examiner's attention the following disclosure relating to the nucleic acid cloning of GST-3 that is found in the specification for USSN 10/007,262 at page 46, lines 8-11. Figure 1 is attached for the Examiner's convenience.

Since no PCR-step was used in generating the full length GST-3 Lifeseq EST Incyte #2167407 (in contrast to the Cap-finder methodology employed in generation of our HEV-library), the GST-3 sequence obtained from Incyte #2617407 is free of PCR errors. The sequence is provided in SEQ ID NO:02 and shown in FIG. 1.

Applicants also wish to bring to the Examiner's attention an inventors' publication, Bistrup et al., 1999, J. Cell Biol. Vol. 145: 899-910, listed on a form SB08A that accompanies an Information Disclosure Statement that is being filed separately in the above-captioned case. This reference lists inventors A. Bistrup, S. Rosen and S. Hemmerich as co-authors, and describes the methods for the nucleic acid cloning of HEC-GLCNAC6ST. The Examiner is invited to review the entire reference and in particular, Applicants wish to bring to the Examiner's

attention the "Results" section at pages 902 and 903 which describes the identification of cDNAs. In particular, Applicants bring to the Examiner's attention the following excerpts from page 902, right column and page 903, left column, respectively:

After two additional rounds of screening, a single positive clone was obtained. The cDNA corresponding to this clone contains a single open reading frame of 1,158 nucleotides. The cDNA is apparently full length as indicated by the presence of an upstream stop codon and a Kozak sequence surrounding the first ATG, and a poly(A) tail at the 3' end.

One EST was identified in the LifeSeq database that mapped to the new gene at the 5' end of the protein coding region. When the clone (no. 2617407, derived from gall bladder) corresponding to this EST was fully sequenced, its sequence completely matched the original cDNA sequence within the coding region.

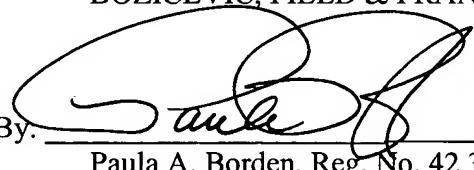
Pursuant to M.P.E.P. section 724.02, Applicants submit concurrently herewith an envelope marked as proprietary that contains the nucleic acid sequence for Incyte Lifeseq clone no. 2620445; and Incyte Lifeseq clone no. 2617407.

This Information Disclosure Statement is not intended as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one of the above references constitutes prior art to the present application within the meaning of 35 U.S.C. §102.

Please charge the \$180.00 fee required by 37 C.F.R. §1.97(c) and set forth in 37 C.F.R. 1.17(p) and any additional fees which may be required by this paper or any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCAL-107DIV.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: Apr. 26, 2004

By:   
Paula A. Borden, Reg. No. 42,344

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>		
				Application Number	10/007,262	
Sheet		1	of	1	Examiner Name	MORAN, MARJORIE A.
					Attorney Docket Number	UCAL107DIV

U.S. PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	U.S. Patent Documents		Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, columns, lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Documents			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

OTHER ART—NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Lifeseq clone # 2617407	
		Lifeseq clone # 2620445	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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APR 28 2004  
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Signature		Date	4/28/04
<b>PETITION UNDER 37 CFR §1.59(b)</b>  <b>TO EXPUNGE INFORMATION IN THE APPLICATION FILE</b>  Commissioner for Patents PO Box 1450 Alexandria, VA 22313	Attorney Docket (Confirmation No.)	UCAL-107 DIV 4699	
	Application Number	10/007,262	
	Filing Date	November 8, 2001	
	First Named Inventor	A. Bistrup	
	Examiner	M.A. Moran	
	Group Art Unit	1631	
	Title	Glycosyl sulfotransferase-3	

Sir:

This is a Petition under 37 C.F.R. §1.59(b), which Petition is being filed concurrently with an Information Disclosure Statement (IDS) and PTO form SB/08A. As provided for under 37 C.F.R. §1.59(b), Applicants respectfully request that the Office expunge and return the information that is indicated as proprietary and that is included in the IDS being filed herewith.

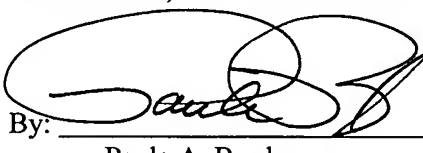
The accompanying IDS contains information that is proprietary. The proprietary information in the accompanying IDS has been labeled as such. While GST-3 nucleotide sequences were publicly disclosed after the priority date of the instant application, to the best of our knowledge, the proprietary material has not been made public. The proprietary information will be retained by the petitioner for the period of any patent with regard to which the information is submitted. This Petition to Expunge is being submitted on behalf of the party who originally submitted the proprietary information.

The \$130.00 fee set forth in 37 C.F.R. §1.17(h) to cover the petition accompanies this Petition. The Commissioner is hereby authorized to charge fees associated with the filing of this petition, and any additional fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

04/29/2004 FMETEK11 00000094 500815 10007262  
01 FC:1460 130.00 DA

Date: Apr. 26, 2004

Respectfully submitted,  
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By: 

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